

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA	:	
	:	
V.	:	CRIMINAL NO.06-73
	:	
DION BARNARD	:	

DEFENDANT'S MOTION FOR CONTINUANCE

Dion Barnard, by and through his attorney, James F. Brose, moves this Honorable Court for an extension of time to file pre-trial motions, and in support thereof avers the following:

1. On June 15, 2006 defendant, Dion Barnard (hereinafter "Barnard"), was appointed Penny Marshall, Esq., of the Federal Public Defender's office to represent him in the above-captioned matter.

2. On June 16, 2006, Eleni Kousolis, Esq. filed a notice of substitute counsel replacing Ms. Marshall.

3. On June 27, 2006, CJA panel member, James F. Brose, Esq. was appointed to represent Barnard. Also on that date, an indictment was filed against Barnard charging him with knowingly distributing more than 50 grams of cocaine base in violation of Title 21, U.S.C. §841(a)(1) and (b)(1)(A).

4. On June 29, 2006 after a hearing on detention, the Honorable Judge Mary Pat Thyng ordered Barnard detained. Defendant requested additional time to file pre-trial motions and Judge Thyng granted the request by setting the deadline for filing of pre-trial motions at August 15, 2006.

5. Defense Counsel Brose has met with defendant several times to determine Barnard's posture with regard to the case. On August 9, 2006, Barnard indicated to Brose that he wanted to fight the charges and he asked Brose to file pretrial motions in the case.

6. On August 10, 2006, Brose received a phone message from Barnard asking that Brose request a 90-day continuance for the filing of pre-trial motions so that he may find new counsel to represent him, and so that new counsel will have time to prepare pretrial motions.

WHEREFORE, the defendant respectfully requests that the Court grant this motion and enter an order for a ninety-day continuance of the deadline for the filing of pretrial motions.

Respectfully Submitted,

James F. Brose
206 South Avenue
Media, PA 19063
610-891-1989

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ORDER

AND NOW this _____ day of _____, 2006,
it is hereby ORDERED that Defendant's Motion for an extension of
time to file pre-trial motions is GRANTED. Defendant shall file
all pretrial motions in this case on or before _____
_____, 2006.

By the Court:

J.

CERTIFICATION OF SERVICE

I, James F. Brose, hereby certify that I caused to be electronically filed a copy of the foregoing documents with the Clerk of Courts using CMECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Shannon Thee Hanson, Esq.
United States Attorney's Office
1007 Orange Street, Suite 700
P.O. Box 2046
Wilmington, DE 19899-2046

Date: August 10, 2006

/s/ James F. Brose